REMARKS/ARGUMENTS

A. General:

1. No claims have been amended.
2. Claims 1 - 23 remain in the application.

B. §112 Rejection:

The Examiner has rejected claim 4 under 35 USC §112, second paragraph, as being indefinite. Specifically, the Examiner states that the phrase "Gmax" is vague and indefinite.

In claim 4 as filed, Gmax is defined as "the maximum value of the difference in distances between the labeled point and the unlabeled point to the local extreme" which Applicants submit is more than definite enough to satisfy the requirements of 35 USC § 112, second paragraph, thereby obviating this rejection.

C. §102 Rejection:

The Examiner has rejected claims 1 - 3, 5 - 13, 16, and 17 under 35 USC §102(b) as being anticipated by Dewaele (US 5,651,042).

One embodiment of Applicants' invention is described in the specification, paragraphs [0056] ad [0061] – [0064] with reference to Figs. 2A, 3 and 4. This embodiment is recited in claim 1. The Examiner in columns 8-11 of Dewaele has found words such as edge, edge-points, segment, and label which are used by Applicants as well but, despite the use of similar terms, Applicants do not see how their method is at all like Dewaele's method and the Examiner does not explain how they are similar, for example: 1) Applicants' claim 1 recites a plurality of multidimensional rays originating at a local intensity extreme and identifying an edge point corresponding to a maximum edge metric on each ray – Applicants do not see where this is disclosed by Dewaele; and 2) Applicants label unlabeled pixels based on intensity and distance criteria.

Dewaele does not disclose this labeling method but does discuss the use of linear regression which Applicants do not use and which suggests that Dewaele discloses the complex type of method that Applicants' invention intended to avoid.

Because Dewaele does not disclose the Applicants' invention as recited in claim 1, it cannot anticipate claim 1 or, therefore, claims 2-3, 5-13, and 16-17 which depend therefrom.

D. §103 Rejections:

1. The Examiner has rejected claims 14 and 19 - 23 under 35 USC §103(a) as being unpatentable over Dewaele (US 5,651,042) in view of Bamberger et al (US 5,854,851).

Bamberger et al, like Dewaele, discloses a more complex and completely different method (see Figs. 7A and 7B) than Applicants' invention. Applicants respectfully submit that the labeling method disclosed in Bamberger et al at col. 22, lines 5-26, i.e., "zone of influence", is not that which is claimed by Applicants in their independent claims 1, 19, 22, and 23 (labeling an unlabeled point if adjacent to a labeled point and the unlabeled point has more extreme intensity and is closer to the local extreme than the labeled point) – at least the Examiner has not explained how they are similar.

Based on the fact that both Dewaele and Bamberger et al disclose the types of complex methods that Applicants' simplier invention was intended to improve upon and that neither reference discloses the specific elements as claimed in all four independent claims 1,19, 22 and 23, Applicants submit that the two references in combination cannot render obvious claims 14 and 19-23.

2. The Examiner has rejected claims 15 and 18 under 35 USC §103(a) as being unpatentable over Dewaele and Bamberger et al. as applied to claim 1 and further in view of Weiss et al. (US 5,740,266).

Applicants respectfully submit that because claims 15 and 18 ultimately depend from claim 1, neither claim is rendered obvious by the cited references for the reasons

stated in Applicants' response above to the Examiner's rejection under § 102(b) and initial rejection under 35 USC 103(a). Furthermore, Applicants have reviewed the Examiners' specific cites to Weiss et al set forth in his Office action and, quite frankly, do not see how the cites are pertinent to the rejected claims. Finally, overall, as with the other cited references, Weiss et al is completely unlike Applicants' invention and would not have suggested, in combination with the other references, the inventions of Applicants' claims 15 and 18 and, therefore, cannot render obvious claims 15 and 18.

E. Conclusion:

Applicant respectfully requests that a timely Notice of Allowance for claims 1-23 be issued in this case.

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